



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,240	08/02/2001	Jason Wayne Wrape	00970	6011
45695	7590	07/28/2005		
WITHERS & KEYS FOR BELL SOUTH P. O. BOX 71355 MARIETTA, GA 30007-1355				
			EXAMINER JAROENCHONWANIT, BUNJOB	
			ART UNIT 2143	PAPER NUMBER

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/921,240

Applicant(s)

WRAPE, JASON WAYNE

Examiner

Bunjoo Jaroenchonwanit

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In response to the amendment filed 3/7/05, claims 1, 2, 4-10, 13, 14, 16 are amended; claims 17-20 are added; claims 1-20 are pending for examination. Newly rejections are as stated below.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the remote access module must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Although the preamble of the claims directed to a system for communication network management data, e.g., links identifier. However, the claim limitation does not required any tangible hardware component and since the “module” is referred to, in the specification, as software. Thus, without clearly defined in the claim, it renders intangible embodiment.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to adequately teach, in such clear and concise manner to enable an ordinary skill in the art to pertain, make and use to invention without undue experimentations, i.e., failing to disclose what is the remote access module, which enable communication between network management system.

Applicant's disclosure is insufficient to allow one of ordinary skill in the art to make or use the invention without undue experimentation because applicant did not adequately disclose the necessary apparatus to perform the claimed method. See In re

Gunn, 190 USPQ 402, 406 (CCPA 1976.) In fact applicant's disclosure neither includes a figure the resemblance of such claim remote access module, nor a passage that elaborate the amended language. Applicant is advised that further amendment should accompany with specific passage citation to support the amendment, to avoid further delaying prosecution.

7. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, for reason set forth in the objection to the specification.

It is suggested that applicant could overcome 112/first paragraph rejection by providing a suitably detailed system diagram (with appropriate cross-indexing in the detailed description to reference numerals on said system diagrams.) No new matter should be added.

8. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. An associated hardware element is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Since the specification is referred to "module" as software, a hardware component is required for executing the software component.
9. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as a single means claim, i.e., required only a remote access module. A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim

which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.) When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor. [MPEP 2164.08(a)]. Donaldson does not affect the holding of In re Hyatt, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983) to the effect that a single means claim does not comply with the enablement requirement of 35 U.S.C. 112, first paragraph. As Donaldson applies only to an interpretation of a limitation drafted to correspond to 35 U.S.C. 112, sixth paragraph, which by its terms is limited to "an element in a claim to a combination," it does not affect a limitation in a claim which is not directed to a combination. [MPEP 2181 V].

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1-7, 10-20 are rejected under 35 U.S.C. 102(e) as being anticipate by Ditmer et al (US 6,490,620 "Ditmer", hereinafter).

12. Regarding claims 1,10, 13 and 16, Ditmer discloses a method, computer software and apparatus (hereafter collectively referred to as "system") for remotely displaying network configuration information for a first network that comprises at least one virtual connection, wherein the virtual connection has an endpoint associated with an identifier and wherein a network management system communicates with the first network to store the identifier, the system comprising: a remote access module, for communicating with

the network management system over a network connection via a second network to obtain the identifier, and for remotely displaying the identifier over an external third network (Ditmer teaches a web based reporting downloadable module, which is loaded from a server to a client device, i.e., remote access module. Since the client device is able to load software module from the server, inherently they are coupled to each other. The client device is connected to a sever via public network, and capable of accessing a sever within MCI intranet network and retrieving information relating identifiers, connections or the like from the server to present to its client device using browser and applet. The client device with browser is capable of getting, setting and presenting PVC, e.g., obtaining and displaying link identifier. In addition, Ditmer's inventive concept supports heterogeneous networks, which includes Frame relay network. [See Fig.5, 12-13, Col.2, lines 28-67; Col.18, lines 10-44; Col.21, lines 15-44]).

13. Regarding claim 2, Ditmer discloses, a server device for communicating with the network management system; and a network management module, for communicating with the network management system via the server device, for displaying the identifier over the external third network (Fig 12-13, Col.18, lines 10-44).
14. Regarding claim 3, Ditmer discloses, web site (item 24 Fig. 2).
15. Regarding claim 4, Ditmer discloses, web site includes a data link connection identifier query web page for inputting an identifier query of the network management system, (Fig. 12-13).
16. Regarding claim 5, Ditmer discloses, the identifier query includes a port name, (item 373 Fig 12(e)).

17. Regarding claim 6, Ditmer discloses, web site includes an identifier search results web page for communicating the results of the identifier query, (Fig. 12-13).
18. Regarding claim 7, Ditmer discloses identifier search results web page is configured to display source and destination configuration information for the port, (Fig 12-13, Col.21, lines 15-44).
19. Regarding claims 11-12, Ditmer discloses connecting a network management module includes connecting the network management system using client-server architecture, (Fig. 2, 12-13; Col.2, lines 9-67).
20. Regarding claims 14-15, Ditmer discloses, means for connecting using client-server architecture, (Fig. 2, 12-13; Col.2, lines 9-67).
21. Regarding claims 17-19, Ditmer discloses, the network is a frame relay network and wherein the identifier is a data link connection identifier, virtual circuit, permanent virtual circuit, (Col.21, lines 15-44).
22. Regarding claim 20, Ditmer discloses, network is a frame relay network, wherein the identifier is a data link connection identifier and wherein the virtual connection is a virtual circuit, (Fig. 2, 12-13; Col.2, lines 9-67).
23. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ditmer, as applied to claim 7, in view of what was well known in the art.
24. Regarding claim 8, Ditmer discloses the invention substantially but it is silent on selecting Frame Relay topologies the group consisting of full mesh, partial mesh and ring. Official notice is taken that mesh partial mesh and ring were well known network topologies and have readily and routinely been utilized in various networking protocol



including in a Frame Relay. Thus, including variation of existing network topologies, for users' selection, would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to do so, because it would enhance flexibility and capability of Dittmer's customer networking management.

25. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ditmer, as applied to claim 2.

26. Regarding claim 9, Ditmer discloses the invention substantially but it is silent on applying the invention concept to a peer-to-peer network. However, applying Ditmer's inventive concept, which is capable of managing network connection at client station, i.e., remote access module, for the same objective with other network protocol such as peer-to-per, would have been obvious to one of ordinary skilled in the art at the time of applicant's invention was made that merely an intended use which would be a matter of design choice, which would dictate by desirable application.

27. Examiner notes, claims 13 and 16 are presented in form of means and step plus functions. It appears that applicant might have an intention to invoke 35 U.S.C. § 112, sixth paragraph. Applicant should note that if applicant wishes to invoke 35 U.S.C. § 112, sixth paragraph, applicant must:

- a) Show why the claim language properly invokes 35 U.S.C. § 112, sixth paragraph, e.g., including "means for" or "step for" in the claim;
- b) Identify the function;
- c) Identify the corresponding structure;

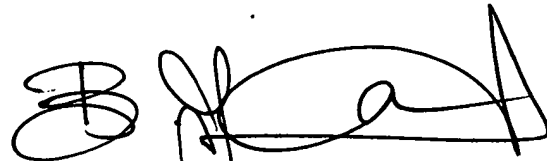
d) Amended the specification to explicitly state what structure corresponds to the recited function with reference to the claimed terms and phrases, provided no new matter is introduced. [See 37 CFR 1.75(d) and MPEP § 2181].

***Response to Arguments***

28. Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.
29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.
30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00. If attempts to

Art Unit: 2143

reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bunjob Jarpenchonwanit  
Primary Examiner  
Art Unit 2143

/bj  
7/8/05